

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-250

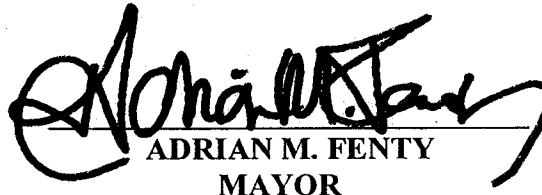
November 20, 2007

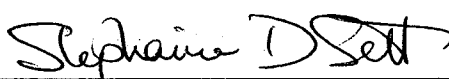
SUBJECT: Amendment of Mayor's Order 2007-246, dated November 13, 2007
Re-Establishment - State Advisory Panel on Special Education for the District of
Columbia

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2006 Repl.), and pursuant to the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §§ 1400 *et seq.* ("IDEA"), it is hereby **ORDERED** that:

1. Part IV is amended by changing "26" wherever it appears to "21".
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 13, 2007.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Bonnie J. Cain
Special Assistant to the Deputy Mayor for Education
Office of the Deputy Mayor for Education

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: November 7, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order to Re-Establish the
State Advisory Panel on Special Education for the District of
Columbia
(AM-07-751)

This responds to your November 5, 2007 e-mail by which you transmitted the above-referenced draft Mayor's Order (Order) to this Office for a legal sufficiency review.

The Order will re-establish the State Advisory Panel on Special Education for the District of Columbia, pursuant to section 422 (2) of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2) (2007 Supp.), and the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), approved December 3, 2004, Pub. L. 108-446, 20 U.S.C. § 1400 *et seq.*

The Order has been reviewed and formatted by the Office of Documents and Administrative Issuances (ODAI) for technical compliance and by this Office for legal sufficiency. The attached Order reflects additional revisions, suggested by this Office, for legal sufficiency. Also, I am not aware of any entitlement of students to special education under IDEA beyond age 21, except for compensatory education for pre-21 denials of a free and appropriate public education ("FAPE"). However, Part IV of the draft Mayor's Order references "ages birth through 26." Please revisit the reference to age 26 to determine whether it should instead reference age 21. With these suggested revisions, the Order will be legally sufficient.